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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 2013 - 340

12 **DEANNA KATHERINE LILLER, aka**
13 **DEANNA K. MALEC**
14 **407 W. Wayne Street**
Butler, Pennsylvania 16001

A C C U S A T I O N

15 **Registered Nurse License No. 618802**

16 Respondent.

17
18 Louise R. Bailey, M.Ed., R.N. ("Complainant") alleges:

19 **PARTIES**

20 1. Complainant brings this Accusation solely in her official capacity as the Executive
21 Officer of the Board of Registered Nursing ("Board"), Department of Consumer Affairs.

22 **Registered Nurse License**

23 2. On or about May 22, 2003, the Board issued Registered Nurse License Number
24 618802 to Deanna Katherine Liller, also known as Deanna K. Malec ("Respondent"). The
25 registered nurse license expired on August 31, 2004, and has not been renewed.

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JURISDICTION

3. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with Code section 2750) of the Nursing Practice Act.

4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.

5. Code section 118, subdivision (b), provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued, or reinstated.

STATUTORY PROVISIONS

6. Code section 2761 provides, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for the following:

(a) Unprofessional conduct.

(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action.

COST RECOVERY

7. Code section 125.3 states, in pertinent part:

(a) Except as otherwise provided by law, in any order issued in resolution of a disciplinary proceeding before any board within the department or before the Osteopathic Medical Board, upon request of the entity bringing the proceeding, the administrative law judge may direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

....

(i) Nothing in this section shall preclude a board from including the recovery of the costs of investigation and enforcement of a case in any stipulated settlement . . .

1 **CAUSE FOR DISCIPLINE**

2 **(Out-of-State Discipline)**

3 8. Respondent is subject to discipline pursuant to Code section 2761, subdivision (a)(4),
4 on the grounds of unprofessional conduct, in that Respondent was disciplined by the State of
5 Vermont Board of Nursing. Effective April 9, 2012, in a disciplinary action entitled *In Re:*
6 *Deanna K. Malec, License No. 026-81009*, Docket Number 2011-709, the State of Vermont
7 Board of Nursing revoked Respondent's nursing license pursuant to a *Default Order*, attached
8 hereto as Exhibit A and incorporated herein by reference. The basis of said discipline is that while
9 employed as a registered nurse at North Country Hospital from approximately September 7, 2011,
10 through October 8, 2011, Respondent diverted narcotics on multiple occasions.

11 **PRAYER**

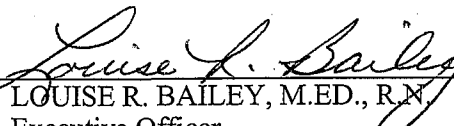
12 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged,
13 and that following the hearing, the Board of Registered Nursing issue a decision:

14 1. Revoking or suspending Registered Nurse License Number 618802, issued to Deanna
15 Katherine Liller, also known as Deanna K. Malec;

16 2. Ordering Deanna Katherine Liller, also known as Deanna K. Malec, to pay the Board
17 of Registered Nursing the reasonable costs of the investigation and enforcement of this case,
18 pursuant to Code section 125.3; and,

19 3. Taking such other and further action as deemed necessary and proper.

20
21 DATED: OCTOBER 29, 2012


LOUISE R. BAILEY, M.ED., R.N.
Executive Officer
Board of Registered Nursing
State of California
Complainant

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EXHIBIT A
Default Order
State of Vermont Board of Nursing

**STATE OF VERMONT
BOARD OF NURSING**

In re: Deanna K. Malec
License No. 026-81009

}
}
} Docket No. 2011- 709

Appearances:

Petitioner, State of Vermont: Lauren Hibbert
Respondent: Did not appear

Presiding Officer: Larry S. Novins

DEFAULT ORDER

The Board held a hearing on the above matter on April 9, 2012 at the National Life Building in Montpelier, Vermont. Ms. Malec did not attend and was not represented by counsel.

Findings of Fact

1. Ms. Malec was licensed as a registered nurse and is therefore subject to the regulatory authority of this Board. 3 V.S.A. §§ 129, 129a, 814(d), 26 V.S.A. § 1582(a), the Administrative Rules of the Board of Nursing, and the Rules of the Office of Professional Regulation.
2. Ms. Malec's license was summarily suspended by this Board on November 16, 2011.
3. On February 1, 2012 Ms. Malec was sent a Notice of Charges in this matter by certified mail to her last known address. A copy of the Specification of Charges is attached to this Default Order.
4. OPR Rule 3.3 requires that an Answer be filed within 20 days of the date on which the notice of charges was mailed by the Director.
5. Licensees are required to notify the Board of any change of address within 30 days. 3 V.S.A. § 129a(a)(14).
6. The return receipt shows that Ms. Malec received the Specification of Charges on February 6, 2012.
7. Ms. Malec has not filed an answer to the charges.
8. On March 27, 2012 notice of the Default Hearing scheduled for this date was mailed to Ms. Malec at that same address by certified mail. The file shows no return on this mailing.
9. Ms. Malec has still not answered the charges.
10. Upon hearing the State's presentation and taking notice of its own file, the Board finds Ms. Malec to be in Default. The allegations contained in the State's Specification of Charges are therefore treated as the facts on which the Board's Order is based. OPR Rule 3.4, 3 V.S.A. § 809(d) and 3 V.S.A. § 814(c).

Conclusions of Law

Ms. Malec has received adequate or constructive notice of the charges in this matter as indicated by the Board's file and the State's presentation. Because Ms. Malec has failed to answer the charges, the State's factual allegations are treated as if proved. O.P.R. Rule 3.4. Accordingly, the Board finds, in this Default Hearing held pursuant to 3 V.S.A. §809(d), that Ms. Malec has engaged in the unprofessional conduct alleged in the State's Specification of Charges.

Order

In accordance with the above Findings of Fact and Conclusions of Law, Ms. Malec's license is hereby **Revoked** effective as of the date of the hearing.

Appeal Rights

This is a final administrative determination by the Vermont Board of Nursing.

A party aggrieved by a final decision of a board may appeal this decision by filing a written Notice of Appeal with the Director of the Office of Professional Regulation, Vermont Secretary of State, National Life Bldg., North, FL2, Montpelier, VT 05620-3402 within 30 days of the entry of this order.

If an appeal is filed, the Director of the Office of Professional Regulation shall assign the case to an appellate officer. The review shall be conducted on the basis of the record created before the board. In cases of alleged irregularities in procedure before the board, not shown in the record, proof on that issue may be taken by the appellate officer. 3 V.S.A. §§ 129(d) and 130a.

To request a stay of the Board's decision, please refer to the attached stay instructions.

Vermont Board of Nursing

By: Jeanine Carr
Jeanine Carr, R.N., Chair

Date: April 9, 2012

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 4/10/12